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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,  Individual and Representative Plaintiffs,  v.  Meta Platforms, Inc.,  Defendant.	Case No. 3:23-cv-03417-VC  <b>STIPULATION AND [PROPOSED] ORDER CONSOLIDATING CASES</b>  Trial Date: None Date Action Filed: July 7, 2023
Michael Chabon, et al.,  Individual and Representative Plaintiffs,  v.  Meta Platforms, Inc.,  Defendant.	Case No. 3:23-cv-04663-VC  <b>STIPULATION AND [PROPOSED] ORDER CONSOLIDATING CASES</b>  Trial Date: None Date Action Filed: September 12, 2023

Pursuant to Federal Rule of Civil Procedure 42(a) and Local Rule 3-12(a), Plaintiffs Sarah Silverman, Christopher Golden, Richard Kadrey, Michael Chabon, Ta-Nehisi Coates, Junot Diaz, Andrew Sean Greer, David Henry Hwang, Matthew Klam, Laura Lippman, Rachel Louise Snyder, Ayelet Waldman, and Jacqueline Woodson and Defendant Meta Platforms, Inc. jointly request that the above-captioned actions (the “Actions”) be consolidated for all pretrial and trial proceedings. The Parties, by and through their undersigned counsel, stipulate as follows:

WHEREAS, on July 7, 2023, Plaintiffs Richard Kadrey, Sarah Silverman, and Christopher Golden (collectively, “Plaintiffs”) a filed a Complaint (ECF No. 1) against Defendant Meta Platforms, Inc. (“Meta” or “Defendant”) in *Kadrey, et al. v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC (N.D. Cal. July 7, 2023) asserting various claims for relief (the “*Kadrey* Action”);

WHEREAS, on September 12, 2023, Plaintiffs Michael Chabon, David Henry Hwang, Matthew Klam, Rachel Louise Snyder, and Ayelet Waldman a complaint against Meta in *Chabon, et al. v. Meta Platforms, Inc.*, Case No. 4:23-cv-04663-VC (N.D. Cal. Sept. 12, 2023) asserting the same claims for relief (“*Chabon* Action”);

WHEREAS, on September 19, 2023, Plaintiffs filed an Administrative Motion to Consider Whether Cases Should Be Related seeking to relate the *Chabon* Action to the *Kadrey* Action (*Kadrey* Action, ECF No. 28);

WHEREAS, on September 22, 2023, this Court ordered the clerk to relate the later-filed *Chabon* Action to the *Kadrey* Action (*Kadrey* Action, ECF No. 31);

WHEREAS, on October 5, 2023, the Plaintiffs in the *Chabon* action filed a First Amended Complaint adding various named plaintiffs but otherwise making no changes to the claims for relief (*Chabon* Action, ECF No. 16);

WHEREAS, the *Kadrey* Action and the *Chabon* Action both allege putative class action claims regarding LLaMA and assert the same claims for relief against the Defendant;

WHEREAS, Defendant filed a motion to dismiss the operative complaints in the *Kadrey* case, which was heard on November 9, 2023 (ECF No. 37). The Parties stipulated that Defendant’s motion shall apply to the operative complaints in *Kadrey* and *Chabon*, with all Plaintiffs submitting a single

opposition (ECF No.18). On November 20, 2023, the Court entered its Order Granting Motion to Dismiss (ECF No. 56);

WHEREAS, the Parties agree that consolidation of the Actions will advance the just and efficient progress of this litigation, reduce case duplication, conserve Court time and resources, avoid the need to contact parties and witnesses for multiple proceedings, and minimize the expenditure of time and money for all Parties involved. *See* Fed. R. Civ. P. 42(a);

WHEREAS, by stipulating to consolidation of the Actions, Defendant does not concede the truth of any of Plaintiffs' allegations or that certification of the putative classes is proper under Federal Rule of Civil Procedure 23 and specifically reserves its right to oppose class certification on all available grounds and waives no rights by agreeing to this consolidation;

WHEREAS, the Parties have conferred and agreed that, going forward, the *Kadrey* Action and the *Chabon* Action shall be consolidated for all purposes under Federal Rule of Civil Procedure 42(a); **NOW THEREFORE**, the Parties, through their undersigned counsel, hereby stipulate and agree that, subject to the approval of the Court,

1. the *Kadrey* Action and the *Chabon* Action shall be consolidated for all purposes under Federal Rule of Civil Procedure 42(a); and
2. to the extent Plaintiffs amend their Complaint, they will file a consolidated complaint.

Dated: December 5, 2023

By: /s/ Joseph R. Saveri  
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Dated: December 5, 2023

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*Attorneys for Defendant  
META PLATFORMS, INC.*

**[PROPOSED] ORDER**

PURSUANT TO THE STIPULATION, IT IS SO ORDERED:

1. The *Kadrey* Action and the *Chabon* Action are consolidated for all purposes under Federal Rule of Civil Procedure 42(a); and
2. To the extent Plaintiffs amend their Complaint, they must file a consolidated complaint.

Dated: \_\_\_\_\_, 2023

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Hon. Vince Chhabria  
United States District Judge

**SIGNATURE ATTESTATION**

Pursuant to Local Rule 5-1(h)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from any other signatory to this document.

Dated: December 5, 2023

By: /s/ Joseph R. Saveri  
Joseph R. Saveri